

Below is the Order of the Court.




Marc Barreca

U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

CASEY R. INGELS,

Debtor.

Case No. 14-10421-MLB

JOHN S. PETERSON, AS BANKRUPTCY
TRUSTEE,

Adversary No. 14-01387-MLB

Plaintiff,

v.

CASEY R. INGELS,

Defendant.

**NOTICE OF TRIAL
AND ORDER SETTING DEADLINES**

1. **Trial Setting.** The above-captioned case is set for a one day¹ non-jury trial commencing at 9:30 a.m. on April 20, 2015 in the United States Bankruptcy Court, 700 Stewart Street, Courtroom 7106, Seattle, Washington.

2. **Compliance.** Counsel and parties are advised that failure to comply with the procedures and deadlines set forth in this order, including the duty to provide the Court with updated documents as necessary, may result in adverse evidentiary rulings, and/or dismissal of the action. **Trials may be stricken and the case dismissed with prejudice or relief entered without further notice, and/or**

¹If counsel anticipates that the trial will take longer than the length of time set forth in this order, counsel must, within ten (10) days of the date of this order, notify the Court and opposing counsel, by letter electronically filed with the Court, of the anticipated length of trial. The Court will then schedule a pretrial conference to facilitate any changes to the length of the trial and schedule, and to discuss any other preliminary matters.

1 **evidence excluded, for failure to comply with this order.** Counsel (and *pro se* parties) shall advise
2 chambers in writing of any change of address and/or telephone number.
3

4 3. Pretrial Deadlines.

5 4. a. Consent to Trial Conducted by Bankruptcy Judge.

6 5. 1. **Final Adjudication and Consent to Entry of Final Order or Judgment.** Each
7 party shall file a separate document by December 15, 2014 to be entitled “**Notice
Regarding Final Adjudication and Consent.**” The Notice Regarding Final
8 Adjudication and Consent shall include:

9 a. A repetition of the statements required by Federal Rules of
10 Bankruptcy Procedure 7008(a) and 7012(b), including, but not limited to,
11 whether, if the matter is non-core, the party does or does not consent to entry of
12 final orders or judgment by the bankruptcy judge;

13 b. A statement specifying (a) whether the matter is one that,
14 although core, may not be adjudicated without consent to final judgment by a
15 bankruptcy court, and (b) whether such consent is given.

16 2. **Order Regarding Final Adjudication.** If the documents filed pursuant to
17 subsection (1) above indicates that there is consent or mutual assertion that the
18 bankruptcy court may enter a final adjudication, the bankruptcy court may, at any
19 time prior to trial, enter an “**Order Regarding Final Adjudication.**” If there is not
20 consent or mutual assertion that the bankruptcy court may enter a final adjudication,
21 the bankruptcy court may designate a party to file a motion in accordance Local
22 Bankruptcy Rule 5011-1 for withdrawal of reference.

23 b. **Initial Disclosures.** If not already made, all parties shall make the initial disclosures
24 required by Federal Rule of Civil Procedure 26(a)(1) and Federal Rule of
25 Bankruptcy Procedure 7026 by no later than **December 15, 2014.**

26 c. **Disclosure of Expert Witnesses.** On or before **January 30, 2015** the plaintiff shall
27 disclose to the defendant, in writing the name of each expert witness he intends to
28 call at trial, including a brief statement of the opinions to be expressed by each
29 expert and the basis and reasons therefore, the data or other information considered
30 by the expert in forming the opinions, any exhibits to be used as a summary of or
31 support for the opinions, and the qualifications of the expert and the compensation to
32 be paid for the study and testimony. On or before **February 19, 2015** the defendant
33 shall disclose to the plaintiff, in writing the name of each expert witness he intends to
34 call at trial, including a brief statement of the opinions to be expressed by each

1 expert and the basis and reasons therefor, the data or other information considered by
2 the expert in forming the opinions, any exhibits to be used as a summary of or
3 support for the opinions, and the qualifications of the expert and the compensation to
4 be paid for the study and testimony.

5

6 d. **Business Records.** Any party intending to offer a record into evidence by
7 declaration pursuant to Federal Rules of Evidence 902(11), 902(12), and 803(6) must
8 provide written notice of that intention to all adverse parties, and must make the
9 record and declaration available for inspection on or before **March 23, 2015.**

10 e. **Discovery Cutoff.** All discovery shall be completed on or before **March 31, 2015.**

11 f. **Exhibits.** An identification of each document or other exhibit, including summaries
12 of other evidence – separately identifying those items the party expects to offer and
13 those it may offer if the need arises – shall be provided to all adverse parties by
14 **April 6, 2015.**

15 1. **Identification.** A number sequence shall be used for all exhibits of all
16 parties, with prefixes indicating the offering party (i.e., P1, P2, P3, etc;
17 D1, D2, D3, etc.).

18 2. **Format.** Exhibits shall be pre-marked in accordance with this order. Any
19 documentary exhibits that can reasonably be submitted on 8-1/2 by 11
inch paper shall be, with text on one side only.

20 3. **Submission of Exhibits to Court.** Parties intending to offer exhibits **shall submit two (2) sets of exhibits in 3-ring binders**, as follows: one (1)
21 original and one (1) copy brought to the Court, 700 Stewart Street, Room
6301, Seattle, Washington. The binders shall include an **index** of the
exhibits, and **identifying tabs** using the number sequence as set forth in
subsection (1) above. Submissions shall be made by the **close of business on April 15, 2015.**

22 g. **Non-Expert Witnesses.** The name and, if not previously provided, the address and
23 telephone number of each witness – separately identifying those the party expects to
24 present and those it may call if the need arises – shall be provided to all adverse
parties by **April 6, 2015.**

25 h. **Interpreters.** A statement identifying the name, address, telephone number and
summary of qualifications of any interpreter a party expects to use at trial shall be
filed no later than **April 13, 2015.** The statement shall also identify the witness for
whom the interpreter is needed and the non-English language to be interpreted.

- i. **Trial Briefs.** Plaintiff's trial brief shall be filed no later than **April 13, 2015**. Defendant's trial brief shall be filed no later than **April 13, 2015**. Trial briefs shall include, as an attachment, proposed findings of fact and conclusions of law. All must contain the top notation. *See Local Rules W.D. Wash. Bankr. 9013-1(d).*
- j. **Motions in Limine.** Motions *in limine* shall be filed no later than **April 13, 2015**.
- k. **Pretrial Order.** Counsel shall comply with Local Bankruptcy Rule 7016(b) in the filing of a proposed pretrial order. The pretrial order is due by **April 13, 2015**. If you fail to file the pretrial order by this date, the trial may be stricken.
- l. **Dispositive Motions.** Dispositive motions shall be served and the hearing held no later than **March 23, 2015**.

Settlement. The parties shall promptly notify the Court if the matter is settled.

Confirmation. The plaintiff shall confirm that the trial is going forward not later than **April 15, 2015** and so advise all parties. **Failure to comply may result in the trial being the case dismissed with prejudice.** Please confirm the trial using the E-Docket Process. For information concerning the E-Docket Confirmation Process, please visit the site at <http://www.wawb.uscourts.gov>. *Pro se* parties may confirm a trial by contacting (206) 370-5310.

Continuances. Typically continuances are granted only by agreement. A party seeking a trial date must contact Judge Barreca's Courtroom Deputy, Kim Kelley, at (206) 370-5311, for trial dates. **It is the parties' responsibility to confer and agree on a future trial date provided by the parties notify Chambers that they have agreed on a future trial date provided by the trial will NOT be continued**, and the parties will be expected to appear for trial as

Pretrial Conference. If you believe a pretrial conference would be beneficial, one will be requested by either party.

///END OF ORDER///